

REMARKS

Applicants have carefully reviewed the Final Office Action mailed on September 9, 2010. Applicants respectfully traverse and do not concede all objections, rejections, adverse statements, and adverse assertions made by the Examiner. Claims 28-33 and 35-39 have been rejected. With this Amendment, claim 28 has been amended and newly presented claims 40-48 have been added. Claims 28-33 and 35-48 remain pending. Favorable consideration of the following remarks is respectfully requested.

Claim Rejections - 35 U.S.C. §102

In paragraph 3 of the Office Action, claims 28-33, 35, 38 and 39 were rejected under 35 U.S.C. §102(e) as being anticipated by Windheuser et al. (U.S. Patent No. 6,096,009). Applicants respectfully traverse this rejection.

Turning first to claim 28, while Applicants do not concede the correctness of the rejection, to further advance prosecution in the application, Applicants have amended claim 28 to recite:

28. A medical device comprising:
a first wire;
a second wire;
a catheter, the catheter defining at least one wire lumen for passage of the first wire therethrough, and a the second wire therethrough, the catheter having a proximal end region and a distal end region, the proximal end region comprising a manifold,
the manifold defining at least one port, the at least one port being in communication with the at least one wire lumen;
a wire station system, the wire station system comprising a base platform and a manifold engagement mechanism, the manifold engagement mechanism constructed and arranged to removably engage the base platform to an engagement region of the manifold, the base platform having a wire management system,
the wire management system being actuatable between a first and a second position, in the first position each wire being moveable along a longitudinal axis, in the second position at least one of the wires being fixedly engaged to the wire management system.

Nowhere do Windheuser et al. appear to disclose many elements of amended claim 28, including for example, a first wire, a second wire, and a wire station system, the wire station system

comprising a base platform and a manifold engagement mechanism, the manifold engagement mechanism constructed and arranged to removably engage the base platform to an engagement region of the manifold, the base platform having a wire management system, “the wire management system being actuatable between a first and a second position, in the first position each wire being moveable along a longitudinal axis, in the second position at least one of the wires being fixedly engaged to the wire management system”.

On page 8 of the Office Action, in the Response to Arguments, it is stated that Examiner believes that the **wire management system is taught in *Windheuser et al.* as the combination of body member 360 and the wires**, such the guide wire of Fig. 12. Therefore, the body member 360 moves with respect to the guide wire between a first position (first position 364) where the wire is free to move along the longitudinal axis and a second position (second position 266) where the wire is fixedly engaged to the body member 360 (Figure 12, Col. 15, II. 27-35).

(Emphasis added). While Applicants respectfully disagree, Applicants have amended claim 28 to recite a first wire, a second wire, and a wire management system. As such, the combination of the body member 360 and the guide wires of Figure 12 cannot be considered as the wire management system.

Nothing in Figures 11 or 12 or any of the cited passages of *Windheuser et al.* appears to disclose a wire management system (e.g. body member 360) being actuatable between a first and a second position. As such, nothing in the cited passages of *Windheuser et al.* appear to disclose “the wire management system being actuatable between a first and a second position, in the first position each wire being moveable along a longitudinal axis, in the second position at least one of the wires being fixedly engaged to the wire management system”, as recited in claim 28.

As noted in MPEP § 2131, “[a] claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference.” Further, “[t]he identical invention must be shown in as complete detail as is contained in the ... claim.” In view of the foregoing, *Windheuser et al.* fails to teach each and every element of claim 28 and the identical invention as in claim 28. Further, there appears to be no reason to modify *Windheuser et al.* to arrive at the medical device of claim 28. For at least these reasons, claim 28 is believed to be patentable over *Windheuser et al.* For similar reasons and others, claims 29-33, 35, 38, and 39, which depend from claim 28 and include additional

distinguishing features, are also believed to be patentable over Windheuser et al. Withdrawal of the rejection is respectfully requested.

Claim Rejections - 35 U.S.C. §103

In paragraph 6 of the Office Action, claims 36 and 37 were rejected under 35 U.S.C. §103(a) as being unpatentable over Windheuser et al. in view of Chin et al. (U.S. Patent No. 6,796,976). Applicants respectfully traverse the rejection. As discussed above, claim 28 is believed to be patentable over Windheuser et al., and nothing in Chin et al. appears to remedy the noted shortcomings of Windheuser et al. For at least these reasons, claims 36 and 37, which depend from claim 28 and include additional distinguishing features, are also believed to be patentable over Windheuser et al. in view of Chin et al. Withdrawal of the rejection is respectfully requested.

Double Patenting Rejection

In paragraph 8 of the Office Action, claim 28 was rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-3 of U.S. Patent No. 6,746,466. While Applicants respectfully disagree, Applicants will consider filing a terminal disclaimer in this application when claims are otherwise indicated as allowable.

New Claims

With the Amendment, Applicants have added newly presented claims 40-48. New claims 40-48 are also believed to be patentable over the cited references.

Conclusion

Reconsideration and further examination of the rejections are respectfully requested. It is respectfully submitted that all pending claims are now in condition for allowance. Issuance of a Notice of Allowance in due course is requested. If a telephone conference might be of assistance, please contact the undersigned attorney at (612) 677-9050.

Respectfully submitted,

Tracee E.J. Eidenschink et al.

By their Attorney,

Date: October 26, 2010

/j. scot wickhem/
J. Scot Wickhem, Reg. No. 41,376
CROMPTON, SEAGER & TUFTE, LLC
1221 Nicollet Avenue, Suite 800
Minneapolis, MN 55403-2420
Telephone: (612) 677-9050
Facsimile: (612) 359-9349